

HOUSE No. 4355

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Robert S. Hargraves, Steven C. Panagiotakos

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to amend the charter for the town of Groton.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|------------------------|-------------------|
| Robert S. Hargraves | 1st Middlesex |
| Steven C. Panagiotakos | First Middlesex |

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act to amend the charter for the town of Groton.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The town of Groton Charter, as appearing in Chapter 81 of the Acts of 2008, is hereby amended by striking out paragraph (a) of Section 3-1 and inserting in its place the following:

(a) Elective Town Offices - The town offices to be filled by the voters shall be a town moderator, the board of selectmen, a town clerk, the Groton component of the regional school committee, the Groton Housing Authority, the planning board, the board of library trustees, the commissioners of the trust fund, the Groton electric light commission, the Groton water commission, the Groton sewer commission, the parks commission, the Groton board of health, Groton board of assessors and other officers or representatives to regional authorities or districts as may be established by law or by inter-local agreement which shall also be filled by ballot at town elections.

SECTION 2. The said Groton Charter is further amended by striking out paragraph (d) of Section 3-2 and inserting in its place the following:

(d) Appointing Authority - The board of selectmen shall appoint the town manager, finance committee, town counsel, a zoning board of appeals, and a board of registrars. The board of selectmen shall also appoint, consistent with the provisions of Section 4-2(d) of this charter, a police chief and a fire chief. The police chief shall serve under section 97A of chapter 41 of the General Laws. The fire chief shall serve under Section 42 of Chapter 48 of the General Laws. The board of selectmen shall also appoint a conservation commission, council on aging, housing partnership, local cultural council, and other committees required by state statute.

SECTION 3. The said Groton Charter is further amended by inserting the following words in the first sentence of Section 4-2(c) following the word "employees:" – and other appointed members of Town Government.

SECTION 4. The said Groton Charter is further amended by striking out paragraph (b) of Section 4-4 and inserting in its place the following:

(b) Temporary Absence or Disability - The town manager may designate by letter filed with the town clerk and board of selectmen a capable officer of the town to perform the duties of town manager during a temporary absence or disability lasting 7 days or more. If the town manager fails to make such a designation, or if the person so designated is unable to serve, the board of selectmen may designate some other capable person to perform the duties of town manager. If the absence or disability exceeds 30 days, any designation by the town manager shall be subject to approval by the board of selectmen.

SECTION 5. The said Groton Charter is further amended by striking out Section 4-5 and inserting in its place the following:

Section 4-5 - Screening Committee

Whenever a vacancy shall occur in the office of town manager a screening committee shall be established for the purpose of soliciting, receiving and evaluating applications for the position of town manager. The screening committee shall consist of seven persons who shall be chosen as follows: the board of selectmen shall designate three members, the finance committee shall designate two members, and the town moderator and the town clerk shall each designate one member. Persons chosen by the said agencies may, but need not, be members of the agency by which they are designated.

Not more than twenty-one days following the notice of the vacancy or pending vacancy the town clerk shall call and convene a meeting of the several persons chosen as aforesaid who shall meet to organize and to plan a process to advertise the vacancy and to solicit by other means candidates for the office. The committee shall proceed notwithstanding the failure of any town agency to designate its representatives.

The screening committee shall review all applications that are received by it, screen all such applicants by checking and verifying work records and other credentials, and provide for interviews to be conducted with such number of candidates as it deems to be necessary, desirable or expedient.

Not more than 90 days after the date on which the committee meets to organize, the committee shall submit to the board of selectmen the names of not less than three nor more than five persons whom it believes to be best suited to perform the duties of the office of town manager. The board of selectmen shall, within forty-five days following the date of receipt of the list of nominees choose one candidate from the list to fill the position of town manager or reject such nominees and direct that the committee resume the search.

Upon the appointment of a town manager the committee established hereunder shall be considered discharged.

SECTION 6. The said Groton Charter is further amended by adding to article 5 the following new section:

Section 5-4: Department of Public Works

5-4-1 There shall be a department of public works in the town under a director. Said director shall be appointed by the town manager subject to confirmation by the board of selectmen in accordance with

section 4-2(c) of this charter. Said director shall also serve as and perform the duties of a highway surveyor as set forth in the general laws.

5-4-2 The principal functions of the department of public works shall include:

(a) the construction, maintenance, repair, and cleaning of public town roads, sidewalks, street lights, storm drains, bridges, dikes, and other public way related structures;

(b) the maintenance, repair, and cleaning of all buildings owned or leased by the town except those of the regional school district;

(c) the maintenance of the old cemetery, parks, parking areas, recreational and beach facilities, except those of the regional school district;

(d) snow removal, including the salting and sanding of roads, except those of the regional school district;

(e) supervising the collection and disposal of garbage and other refuse and the maintenance and operation of all facilities for the disposal of same;

(f) the supervision, care and replacement of trees;

(g) providing for, or causing to be provided, the maintenance and repair of certain town owned vehicles;

(h) implementing the policies developed by the Groton water commission and the Groton sewer commission, performing functions required by the rules and regulations of the Groton municipal water and sewer systems, routine operation and maintenance and other functions related to the municipal water and sewer systems of the town;

(i) such other functions as may be prescribed by the town manager.

5-4-3 Powers and Duties. The department shall work in close coordination with the necessary town boards and departments to enable the effective and efficient performance of its duties pursuant to the general laws, this charter, by-law or vote of town meeting.

SECTION 7. The incumbents holding the offices of Highway Surveyor, Tree Warden, and Constable on the date of adoption of this act shall retain said offices and continue to serve until the expiration of their elected terms of office or their sooner resignation, but those positions shall thereafter be filled by appointment.

SECTION 8. This act shall take effect upon its passage.